

BYRD'S PRIMARY BILL CONSIDERED

Senate Committee Postpones Action on Measure for One Week.

OBJECTS TO EXPENSE LIMIT

Lieutenant-Governor Ellyson and Senator West Desire Amendments.

The Byrd primary bill made an orderly debut in the Senate last night with a harmless hearing before the Committee on Privileges and Elections. Speakers were few and objections primary was strongly endorsed by everybody, and only two or three objections to the Byrd plan were raised. At the end of the hearing, which lasted scarcely an hour and a half, the committee went into executive session and voted to give itself a week's time in which to consider the provisions of the bill, carefully examining next Monday night as the time for its final decision.

Richard Evelyn Byrd, father of the bill, opened the hearing with a general exposition of its provisions. As far as possible, he said, the bill aimed to apply the general election laws now in force, to primaries. The sentiment of the great mass of Democrats and Republicans, he thought, did not at this time warrant the adoption of a compromise primary law, and the measure as it stands leaves the holding of primaries optional with the several localities. He explained briefly the provisions of his measure in regard to fees of candidates, qualification of voters, expenses of candidates, and other important features.

Fixed Expense Limit. Lieutenant-Governor J. Taylor Ellyson sounded the first note of dissent by taking exception to the provision of the bill limiting the amount of money to be expended by each candidate to a sum equal to 10 cents for each vote cast in the preceding general election by the candidates party. With a registered vote of, for instance, 75,000, said Mr. Ellyson, the limit would be \$7,500—a sum which would practically put the poor man out of the running.

"The permission to spend \$1,500," he said, "will not meet the objection made to the holding of primary elections. Frankly, I don't see why there should be a limit at all. I am in favor of no limitation whatever. But if you are going to place a restriction make it a real limitation. Fix the limit of expenditure by any one candidate at \$1,000 or \$1,500, and keep him inside of that. That would give the poor man an equal chance with the wealthy man."

Who Can Vote? The bill, objected Mr. Ellyson, is also unsatisfactory in its provisions for ascertaining who has the right to vote in the primary. It provides for a test based on the applicant's vote in the last general election, or on his sworn statement as to what party or men he will support at the next election. This point, in his opinion, was by far the most important in the whole bill, and should be given the weightiest consideration.

"If we are to have a law on the subject," said Mr. Ellyson, "then I am in favor of having that law framed by the State conventions of the respective parties. They will be in a better position to decide who is a Republican and who is a Democrat, than any test that we can frame. I am in favor of leaving it to them to lay down the test and making it then part of this law." He declared himself to be heartily in favor of a legalized primary, even to the extent of being willing to put up with minor defects to secure the benefit of the law.

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its of an equitable law on the subject.

Opposed to Republican Judges.

Senator West found objection in the clause which designated as judges of the primary two Democrats and one Republican. No Republican, he thought, should be permitted to take part in any way in a democratic primary. He suggested the plan of permitting each party to designate three judges of its own political faith in case they decided upon separate primaries. In the event of both parties holding their primaries at the same time, he concluded, there would be no objection to the arrangement provided for by the bill.

But above everything else, said Senator West, he objected to the bill because it made no provision for watchers. The absence of these, he asserted, was responsible for practically every disputed election. "I had rather be in an election without a primary law and with watchers, than in one with the law and without the watchers."

He wanted an amendment providing for watchers to remain at the voting booth from the time the polls opened until they closed.

Senator Featherston, who collaborated with Speaker Byrd in framing the primary measure, concluded the hearing with a short defense of the bill. It was not intended, he said, to remedy all political ills, and was not in any sense perfect. Its adoption, however, he thought, would be a big step in the direction of better conducted primaries, and would lead gradually to the incorporation of more perfect laws on the subject.

SENATE

(Continued From Six Page.)

ing the War Between the States.

To authorize the Auditor of Public Accounts to pay to the Confederate Memorial Association at Courtland Va., certain sums of money appropriated it which it failed to draw.

To amend the charter of Blacksburg, Va.

To amend the charter of Portsmouth in reference to the time of election of councilmen, the number of councilmen, and the printing of ordinances.

To amend the charter of Portsmouth by adding a new chapter thereto, in relation to a civil and police justice, and providing for his election or appointment.

To amend the charter of the city of Alexandria, affecting the control of its fire and health departments.

To allow the clerks of the various counties and cities of this Commonwealth to refuse to admit to record certain deeds and contracts relating to real estate, where no such land has in said county or city, or where the title to same has been forfeited to the State for the non-payment of taxes and not redeemed.

To amend and re-enact section 12

LEGISLATIVE COMMENT

By LEWIS H. MACHEN.

THE BYRD-FEATHERSTON ON PRIMARY BILL

The Senate Committee on Privileges and Elections, having heard arguments on the Byrd-Featherston primary election bill, went into executive session and postponed further consideration of it for another week. The bill passed the House by a large majority on January 26, and there seems to be no reason why it should not have been considered by the Senate Committee before the lapse of seventeen days. To fail to report upon it within a period of more than three weeks from the time of its passage by the House, would indicate to any friend of the measure a deliberate purpose to prevent the bill from getting on the calendar until it is late to be brought to a vote at this session.

The bill is not a long one, and has been in the file of every member of the Senate (including the members of committee) for about a month. It has been discussed in the newspapers, and all of its provisions are pretty well understood by practically every member of the Legislature.

At the hearing there seemed to be a difference of opinion only as to two or three provisions, which are by no means fundamental. They involve questions which no committee is going to settle finally. The bill, it is thought, ought not to be on the floor of the Senate. Heretofore, no Senate committee has given evidence of any effort to advise a primary law of its own, but always has contented itself with delaying the measures in committee until they could not reach a vote in the Senate.

It seems something more than a coincidence that for at least six sessions the determined opponents of the primary legislation have predominated in the Committee on Privileges and Elections. Of course, there have always been two or three members who have desired some legislation of the kind, but they have been in the minority. The people of the State, too, have desired it, but they have been equally helpless. Apparently, the only hope for primary legislation at this session is for the Senate to discharge the committee from the consideration of the bill.

In the session of 1904, the primary bill was retained in committee about three weeks and a repeatedly a quorum of the committee deliberately absented themselves from the meetings. It was finally reported with only one member in its favor, but it passed the Senate by a large majority.

In 1905 a primary bill was the first one introduced in the Senate, but a quorum of the committee repeatedly and deliberately absented themselves from the meetings of the committee, and the bill was finally reported unfavorably. It was so far down on the calendar that it could not be reached.

In the session of 1908 the procedure was exactly similar in all respects. If the program for this session is not a repetition of what has been described, the committee is doing itself an injustice.

The hearing last night was illuminated by an address made to the committee by Lieutenant-Governor Ellyson, who spoke also as the Democratic State chairman. He declared within the truth which he asserted that the legalized primary bill would be extremely gratifying to an overwhelming majority of the people of the State. While advocating somewhat more drastic limitations upon the expenditure by candidates, he declared that he was too much in favor of a primary law that he would accept one containing many details of which he did not approve rather than see this Legislature adjourn without passing one of any kind.

The other speakers, who made suggestions, dwelt mainly upon non-essentials, such as the manner of appointing the judges and the desirability of having watchers in the polling places. The fact is, that no method of appointing judges is going to give absolute satisfaction. The plan of

of the charter of Alexandria. To prevent the hearing of causes in the Supreme Court of Appeals of Virginia on imperfect records and their decision on technical points without regard to the merits, and to simplify procedures in that court.

To amend the Code in relation to payment of fees to owners out of the treasury in criminal cases.

To dispense with affidavits of comrades and proof that the husband was a true and loyal soldier, on application by a widow for Confederate pension by or marine, who at the time of his death was a pensioner under the act approved March 6, 1885.

To amend and re-enact section 824 of the Code.

To amend and re-enact section 9350 of the Code.

Concerning the instruction of the jury and introduction of evidence in actions to recover damages for personal injuries or wrongful death.

To amend the act of March 6, 1906, creating the State convict road force, authorizing the working of convicts on the public roads of this State, etc.

To establish the general board of directors of reform schools of Virginia and to define its duties and powers.

To provide for the establishment, management and maintenance of the Virginia Home for the Blind, and for the employment and education of delinquent or deficient white girls between the ages of eight and eighteen years.

To provide for the commitment to the general board of directors of reform schools of Virginia, of male convicts under the age of eighteen years convicted of crime, their custody and maintenance when so committed and their discharge therefrom.

To require cities and towns in the State, institutions of learning, and eleemosynary and other institutions to deposit two copies of each of the publications in the Virginia State Library.

To empower the State library board to exchange or sell duplicates in the Virginia State Library.

To provide for a permanent education commission to devise stable methods for the maintenance management and expansion of the State.

To amend sections 1492 and 1493 of the Code in relation to persons admitted to public schools.

having the primaries held by the regular election officers seems to be as nearly fair as any. If these officers can be trusted to receive and count the ballots in general elections, there seems to be no reason to believe that they will be untrustworthy when they come to hold the primaries.

The worst possible plan of appointment is that by partisan committees for each primary. Whether the judges are selected for the purpose of being partial or not, the aspirants to whom the committees are unfavorable cannot be made to believe that they are not being discriminated against.

The plan of having watchers in the polling places is less necessary in a legalized primary, in which the judges and clerks are sworn officers, required to keep records of their proceedings, and over which the courts have the same supervision, as in cases of the regular elections, than in loose party primaries, where almost any kind of fraud is likely to go undiscovered and unrebuked.

Where the aspirants voted for at any primary are numerous it would be impossible for all of them to have representatives in the polling places, and it would be impracticable to require the aspirants to agree upon a smaller number to represent a group of aspirants. The general election law, without watchers, and the same officials would be able to conduct the primaries without them. There are other means of detecting frauds, if they attempt to commit them, and a growing sentiment in favor of fair elections will make them smart for any derelictions of duty.

The prime importance of legislation on this subject is to surround the primaries with such safeguards as the law now throws around the general elections. The aspirant for a nomination has the same right to fair treatment at primaries as the candidate who runs for office in the general elections. Unfair treatment is destructive of party harmony and violative of political decency.

The next most important thing is to lift from the shoulders of candidates at least a part of the burden of expense, which the party primary plan now puts upon them. The provisions of this bill get from the candidates in the shape of reasonable entrance fees to the polls, in most cases, the residue of the expense. The residue of the public funds will be negligible.

The great objections heretofore raised to nominations by Primary have been that only rich men could afford to run for office, yet some of those who make this objection are among the first to oppose any legislation which tends to remove the evil. The limitation in the Byrd-Featherston bill to 10 cents a party voter is about as nearly a fair compromise as could be devised. It is similar to that which prevails in many States, and it is difficult to give greater latitude without giving full sway to the corruptionists.

The most important feature of the pending measure is that it gives the right of appeal to courts in cases of contest. Instead of the committee, as at present, perhaps the least judicial body on earth is a partisan committee, wherever found. If an aspirant has any rights at a primary, they ought to be legal rights, and the courts are the proper tribunals to determine them.

Upon the whole, the Byrd-Featherston bill is as near perfect as it could be made without being more rigid than public sentiment would approve. It has been worked out with great care and interest, and is a credit to the more numerous branch of the General Assembly. It is hoped by all friends of decent elections in the State that the Senate will insist upon a vote on the measure so that the people may know who are the friends of pure elections and who are their foes.

of any foreign insurance company to do business in this State, who shall remove suits or proceedings brought against them in the courts of this Commonwealth to any Federal court without the consent of the other party to such suit or proceeding.

To amend the act authorizing the court in which they are tried to sentence certain prisoners to hard labor on the public roads instead of confinement in the penitentiary for the commission of felony.

To amend the act licensing and regulating the sale of condimental stock and poultry foods and powders intended for domestic animals and poultry.

To provide for the registration of stallions and jacks.

To secure the purity of mineral and other waters sold to the public in bottles or other packages.

To amend a act approved May 20, 1903, defining the duties and powers of the board of agriculture and improvement.

To amend the act providing for the carrying of lights by vehicles operated by animal power.

By Mr. Hays: A bill to determine who are agents or owners of automobiles, and holding the owner responsible for damages occasioned through or by the negligence of such persons.

By Mr. Chalkley: A bill to prohibit trapping on premises by other than the owner or tenant thereof, and to prescribe a penalty therefor.

By Mr. Sapp: A resolution to investigate the financial standing, etc., of Mount Vernon Lodge Association of the Grand Order of the Eastern Star, and to require the filing of writing recorded to be posted by clerk.

By Mr. Hew: A bill to amend section 3155 of the Code of Virginia.

By Mr. Weaver: A bill providing for legal advertising and specifying the rate on same to be charged by newspapers.

By Mr. Houston: A bill to prescribe the effect as evidence to be given to deeds recorded prior to the year 1881.

By Mr. Love: A bill to amend section 3307 of the Code of Virginia.

By Mr. Love: A bill to amend an act in relation to fraudulent conversion of property held under trust deed, approved May 23, 1887, making the said act apply to the fraudulent disposal of personal property by any person who had agreed in writing that the title or ownership of the same shall be or remain in another without the written consent of such other person.

By Mr. Oliver: A bill to amend and re-enact an act in relation to deeds of trusts and other instruments.

By Mr. Mapp: A bill to repeal section 2107 of the Code of Virginia, as amended, requiring list of writing recorded to be posted by clerk. Referred to the Committee for Courts of Justice.

By Mr. Mapp: A bill to amend and re-enact section 3155 of the Code of Virginia. Referred to the Committee for Courts of Justice.

By Mr. Mapp: A bill to authorize and empower the Board of Supervisors of Accomack county to levy tax for the support and maintenance of a public library. Referred to the Joint Committee on Special, Private and Local Legislation.

By Mr. Echols: A bill to consolidate into one act all acts relating to Confederate pensions and to repeal all acts and parts of acts in conflict herewith. Referred to the

migration. To amend an act approved May 20, raise revenue for the support of the government and public free schools, to pay the interest on the public debt, etc.

Authorizing the Circuit Court of the several counties and corporations, or the judge of said court in vacation, to appoint delinquent land commissioners, who shall institute suits and sell real estate for the purpose of collecting delinquent taxes.

Prohibiting any person offering for sale or selling any disabled horse.

To amend the act of January 18, 1904, concerning the exercise of the power of eminent domain.

To amend section 2311 of the Code providing for recovery by motion after fifteen days' notice on contracts to recover money or to recover damages.

To amend an act approved February 15, 1905, in respect to the amount of money that may be paid to the tenants entitled to it, or to their parents, in certain cases.

To prohibit driving or riding on sidewalks in unincorporated towns and villages.

To provide a trial justice in all counties having a population in excess of 300 persons per square mile, to prescribe his jurisdiction on both civil and criminal matters, and to fix his compensation.

To amend and re-enact section 67 of the Code in relation to appointment of registrars.

To repeal the act authorizing the State Corporation Commission to close or discontinue any private dock or wharf affected with a public use or easement in certain cases.

To amend the act of March 13, 1910 regulating the practice of veterinary medicine and surgery in Virginia.

To require electric railways to extend their tracks and facilities as the convenience of the community warrants, located where required, and authorizing the State Corporation Commission to compel such extension.

To require railroad companies under certain conditions to keep in their employ two ticket agents at certain regular passenger depots along their lines.

To amend the road law of Campbell county approved March 5, 1900.

To amend the act approved March 17, 1910, authorizing the board of supervisors of any county in this State, in their discretion, to extend annual levy out of the general county levy, a sum of money for the purpose of promoting agriculture in said county.

To incorporate the town of Dillwyn Buckingham county.

To amend the act of March 3, 1908 providing for the working and keeping in repair of the roads of Nelson county.

To amend the charter of the town of Farmville.

To authorize the board of supervisors of the several counties and the councils of the cities and towns of this Commonwealth to exempt from local taxation obligations issued by such counties, cities and towns.

To amend the present law in regard to the working and keeping in repair of the public roads of the county of Tazewell.

Providing the manner in which the cities and towns of this Commonwealth may obtain leave to erect a dam in across a river or course, and prescribing the procedure.

To amend the act of May 21, 1903, concerning corporations.

Imposing upon railroad companies liability for injury to their employees in certain cases.

Proposing an amendment to the Constitution so as to enable any city in the State to adopt the commission form of government.

HOUSE BILLS

The following were presented and referred under Rule 2.

By Mr. Chalkley: A bill to provide for official court stenographers; for the payment thereof, and penalties for their misconduct; and to amend the Code of Virginia.

By Mr. Chalkley: A bill to amend section 230 of the Code of Virginia in reference to the right of appeal.

By Mr. Webb: A bill to amend section 421 of the Code of Virginia.

To Joint Committee on Special, Private and Local Legislation.

By Mr. Chalkley: A bill to amend an act to incorporate the town of East Big Stone River county.

By Mr. Hew: A bill to authorize and empower the Board of Supervisors of Accomack county to levy tax for the support and maintenance of a public library.

By Mr. Kemper: A bill to protect fish in Aquia county.

To Committee on Counties, Cities and Towns.

By Mr. Banks: A joint resolution proposing an amendment to section 107 of Article III of the Constitution of Virginia.

By Mr. Evans: A bill to amend an act to protect sheep and other stock in the counties of the State.

To Committee on Privileges and Elections.

By Mr. Chalkley: A bill to amend and re-enact section 122 of an act, approved January 26, 1906, to be carried away or copied; penalty.

To Committee on Asylums and Prisons.

By Mr. Hew: A bill to amend section 60 of the Code of Virginia.

To Committee on Rules.

By Mr. Thornton: A resolution amending Rule 32 of the rules of the House of Delegates.

To Committee on General Laws.

By Mr. Hew: A bill to amend an act providing for the appointment of a State Board of Health and a local board; defining the duties and powers and compensation thereof, and their members, officers and agents, in connection with the preservation of the public health.

By Mr. Chalkley: A bill providing for the carrying of lights by vehicles operated by animal power.

By Mr. Hew: A bill to determine who are agents or owners of automobiles, and holding the owner responsible for damages occasioned through or by the negligence of such persons.

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Committee on Finance.

By Mr. Hart: A bill to amend the Code of Virginia in relation to fees of sheriffs, sergeants, officers and constables. Referred to the Committee for Courts of Justice.

By Mr. Hart: A bill to amend and re-enact an act entitled an act to provide for the working and keeping in repair the public roads and bridges, and to regulate the manner of opening new roads in the county of Montgomery. Referred to the Joint Committee on Special, Private and Local Legislation.